HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION NO: 13828 of 1996

Dated: 03-10-2007

Between:

Ketireddi Prasad Reddy

..... PETIT

AND

The Agent to the Government,
(District Collector) Eluru,
West Godavari District and 4 others.

.....RESPONI

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No. 13828 of 1996

O R D E R:

This writ petition is filed for a writ of Mandamus to invalidate the proceedings initiated by respondent No.3 under the provisions of Andhra Pradesh Scheduled Areas Land Transfer Regulations, 1 of 1959 as amended by Regulation 1 of 1970 (for short 'the Regulation') in respect of the land in R.S.No.321/2 of Dharbhagudem Village, Jeelugumilli Mandal, West Godavari District as illegal, arbitrary and violative of Article 14 of the Constitution of India.

Heard Sri P.Prabhakar Rao, learned counsel for the petitioner and learned Assistant Government Pleader for Social Welfare for official respondents 1 to 3. None appeared for respondents 4 and 5.

The grievance of the petitioner in the writ petition is that though the land situated in R.S.No.321/2 of Darbhagudem Village, which belongs to him is in no way concerned with the transactions allegedly hit by the Regulation, respondent No.3 under a mistake of fact initiated the proceedings.

In the counter affidavit filed by Sri M.Bhapuji, Tahsildar, Jeelugumilli Mandal, West Godavari District, it is admitted that the land in R.S.No.321/2 admeasuring Acs.5.28 cents belongs to the petitioner and that it is not subject to any transaction that is hit by the Regulation. It is further stated that respondent No.4, who is the mother of respondent No.5 executed a registered settlement deed dated 09-07-1974 in which the survey number is erroneously mentioned as Sy.No.321/2.

Having regard to the aforementioned categorical admission made by respondent No.3, that the land covered by the petitioner is not subject to any violation of the Regulation, the writ petition is allowed as prayed for. No costs.

C.V.NAGARJUNA REDDY,J

Date: 03-10-2007
KLP